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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,399	09/23/2003	Yen Lu	CA920020042US1	4350
43307	7590	04/17/2007		
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/668,399	Applicant(s) LU ET AL.	
	Examiner Joshua D. Campbell	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 2/13/2007.
2. Claims 1-15 and 18-26 are pending in this case. Claims 1, 10, 18, and 20 are independent claims. Claims 1, 5, 10, 18, and 20 have been amended.
3. This action has been made Non-final due to the new grounds of rejection presented that are not in response to the amendments.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are non-statutory for at least the reason that they are not tangibly embodied in a manner so as to be executable (i.e. stored on a computer readable storage medium). Further, a collection of fields such as a web page (data structure or computer program), per se, is non-functional descriptive material, and is rejected under 35 U.S.C. 101 as being a non-patentable abstract idea.

Claims 18 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are non-statutory for at least the reason that they are not tangibly embodied in a manner so as to be executable (i.e. stored on a computer readable storage medium, not including a carrier signal).

Proper correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-15 and 18-26 remain rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. (US Patent Application Publication Number 2003/0036975, filed August 2, 2001).

**Regarding independent claim 1**, Martin discloses defining a target frame within a web page adapted to serve as a work area for performing programming logic, the programming logic being associated with an action that is controlled by a trigger event and that targets the target frame (page 5, paragraph 0058-page 6, paragraph 0063 of Martin). Martin discloses that the logic is adapted specify the selected frames among a plurality of frames of the web page, not including the target frame, and reload only the selected frames regardless of their membership in framesets used to create the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

**Regarding dependent claim 2**, Martin discloses defining the target frame comprises defining a named frame with a static source in a frameset of the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

**Regarding dependent claim 3**, Martin discloses defining the target frame as a frame having a null dimension (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, the hidden updater frame is hidden from the user so it has a null dimension).

**Regarding dependent claim 4**, Martin discloses defining a frame of 0 rows and 0 columns at an edge of the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, the hidden updater frame is hidden so it has 0 rows and 0 columns).

**Regarding dependent claim 5**, Martin discloses using a first frameset tag in the web page to partition the web page into a main frameset comprising a plurality of frames, and a separate target frame having the null dimension (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

**Regarding dependent claim 6**, Martin discloses reloading only the selected frames of the web page in dependence on a predefined set of conditions (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

**Regarding dependent claim 7**, Martin discloses accessing server-side functions in dependence on a predefined set of conditions, wherein the server-side functions return the programmed logic for directing client-side reloading of only the selected frames (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

**Regarding dependent claim 8**, Martin discloses associating said action with a link to a dynamic uniform resource locator, wherein said dynamic uniform resource locator directs access to said server-side functions (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, a URL is provided since a webpage is being updated and a database is accessed to retrieve updated information).

**Regarding dependent claim 9**, Martin discloses providing a dynamic server page link (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, a link is provided to the dynamic database so that information is retrieved from the database when an update has occurred).

**Regarding independent claim 10 and dependent claims 11-13**, the claims incorporate substantially similar subject matter as claims 1-4. Thus, the claims are rejected along the same rationale as claims 1-4.

**Regarding dependent claim 14**, Martin discloses the trigger comprises one of a link and a form that has the script as an action attribute and the target frame as a target attribute (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

**Regarding dependent claim 15**, Martin discloses the action attribute comprises a uniform resource locator (url) of a dynamic web page that includes the script and effects the downloading of the dynamic web page to the target frame, and the script with rendering information provides a set of instructions that include instructions for reloading only the respective selected frames, regardless of respective membership of the selected frames in framesets of the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, a URL is provided since a webpage is being updated and a database is accessed to retrieve updated information).

**Regarding independent claim 18 and dependent claim 19**, the claims incorporate substantially similar subject matter as claims 1 and 3. Thus, the claims are rejected along the same rationale as claims 1 and 3.

**Regarding independent claim 20 and dependent claims 21, 22, 25, and 26,** the claims incorporate substantially similar subject matter as claims 1-3. Thus, the claims are rejected along the same rationale as claims 1-3.

**Regarding dependent claim 23,** Martin discloses the action is an attribute of one of the link and a form, and the event is a corresponding one of a selection of the link, and a submission of the form (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, when the timer runs out and the Boolean flag is set to true, the link to the database is selected so that the information is retrieved and updated on the webpage).

**Regarding dependent claim 24,** Martin discloses the one of the link and the form has a target attribute set to the target frame (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, the target attribute is set to the hidden updater frame because when the timer runs out and the Boolean flag is set to true, the webpage is updated).

### ***Response to Arguments***

6. Applicant's arguments filed 2/13/2007 have been fully considered but they are not persuasive.

Regarding the applicant's arguments on pages 7-9, in reference to the newly added limitation of reloading only the selected frames not including the target frame, the examiner maintains that the Martin reference teaches this limitation and the rejection remains proper. Martin states, "The updater component 520, a hidden component, is refreshed at a set interval. A timer object 510 (available in Javascript) refreshes/reloads

the hidden updater component 520 at a set interval. On reload, the updater component checks a boolean flag on the server side. This flag value is set to TRUE when changes have been made to the auction in the database. If the flag is TRUE, the updater queries the database, obtaining the most recent auction information. The updater then sets the flag to FALSE, and refreshes the other page components with the new auction information. The flag will remain FALSE until new changes occur to the auction in the database. If the updater encounters a FALSE flag, it does nothing,” (page 6, paragraph 0062). As is clearly evident in this citation, Martin refreshes the target frame periodically in order to run the programming logic, which can be viewed as the “action” in response to the timer acting as a “trigger event”. Martin then discloses that a separate action occurs in response to the programming logic being performed, “If the flag is TRUE, the updater queries the database, obtaining the most recent auction information. The updater then sets the flag to FALSE, and **refreshes the other page components with the new auction information,**” (emphasis added). In this case, the other page components are the selected frames that do not include the target frame. Thus, Martin clearly anticipates the limitations in question.

Regarding the applicant’s arguments on pages 9-11, in reference to the limitations of the target frame having a null dimension and 0 rows 0 columns at an edge of a page, the examiner maintains that the Martin reference teaches this limitation and the rejection remains proper. As clearly stated in Martin, the frame is hidden (page 5, paragraph 0059), thus it takes up zero visible space, thus by definition it has a null dimension and contains 0 rows and 0 columns at an edge of the web page. The



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applicant has provided no evidence of any limiting definition within the applicant's own specification that would render such an interpretation improper. Thus, Martin clearly continues to anticipate the limitations in question.

Regarding the applicant's arguments on pages 11-12, in reference to the limitation of using a frameset tag in a web page to partition the web page into a main frameset and separately the target frame, the examiner maintains that the Martin reference teaches this limitation and the rejection remains proper. Martin clearly discloses that a frameset is used in HTML, thus requiring a frameset tag (page 5, paragraph 0059). Martin also states that a hidden frame exists that is processed separately from the rest of the page content, thus a clear partition exists between the hidden frame and the frames. Once again, the applicant has provided no evidence of any limiting definition within the applicant's own specification that would render such an interpretation improper. Thus, Martin clearly continues to anticipate the limitations in question.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDC  
April 5, 2007



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**